

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LISE RUBIN,

Plaintiff,

-against-

NEW YORK CITY BOARD OF EDUCATION, et al.,

Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 11/29/2022

**ORDER**

**20-CV-10208 (LGS) (KHP)**

**KATHARINE H. PARKER, United States Magistrate Judge.**

The Court has considered Plaintiff's request to accept her late filed opposition brief. Although the request does not state why Plaintiff's medical condition caused her to miss the filing deadline, the Court will nevertheless accept the brief at ECF No. 214 out of excessive solicitude toward Plaintiff. Additionally, to the extent Plaintiff has invoked the Americans with Disabilities Act, that Act does not apply to litigants in federal court or govern the court's establishment of deadlines in litigation.

Plaintiff also requested that going forward, the Court allow her to proceed at her own pace according to her own deadlines. The medical information provided does not support the request and the request is otherwise unreasonable and unfair to Defendants, who have an interest in the speedy resolution of this case. The Court, not the parties, sets deadlines and administers the Rules of Civil Procedure to ensure fairness to all parties and ensure the just, speedy and inexpensive determination of actions. Fed. R. Civ. P. 1.

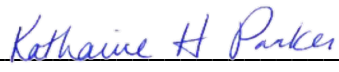
The Court warns Plaintiff that any future failure to meet court deadlines and comply with court orders may result in sanctions up to and including dismissal of her suit. The Court

further reminds Plaintiff that all requests for extension must be filed two business days in advance of a deadline and after consultation with Defendants.

In light of the Court's decision to accept Plaintiff's late filed brief, Defendants shall have until **Friday, December 16, 2022** to file a reply brief, which is limited to ten pages. To be clear, no sur-reply is permitted. This means that Plaintiff is not permitted to file any other document related to the motion to dismiss until after a Report and Recommendation is issued, at which point the parties shall have the opportunity to file objections to the Report and Recommendation.

SO ORDERED.

Dated: New York, New York  
November 29, 2022

  
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KATHARINE H. PARKER  
United States Magistrate Judge